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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ANGELA GONZALES, an individual,  
  
Plaintiff,  
  
v.

WALMART, INC., a foreign corporation;  
DOE INDIVIDUALS I-X, inclusive; and ROE  
CORPORATIONS I-X, inclusive,  
  
Defendants.

Case No. 2:24-cv-01305-APG-BNW

**DISCOVERY PLAN AND SCHEDULING  
ORDER**

**SUBMITTED IN COMPLIANCE WITH  
LR 26-1(b)**

Plaintiff ANGELA GONZALES (“Plaintiff”) and Defendant WALMART, INC. (“Defendant”) by and through their respective counsel of record, held a telephonic conference on August 23, 2024, and by and through their respective counsel of record, file this, their Stipulated Discovery Plan and Scheduling Order pursuant to Fed. R. Civ. P. 26(f) and Local Rule 26-1. The parties respectfully submit this Stipulated Discovery Plan and Scheduling Order in Compliance with Local Rule 26-1(b).

**PROPOSED SCHEDULE**

**I. FED. R. CIV. P. 26(a) INITIAL DISCLOSURE**

Parties have agreed to exchange initial disclosures no later than **September 6, 2024**, which

1 is 14 days after the Rule 26 Conference was held. The parties expressly agree any document  
 2 productions shall be bates-stamped with the parties' respective identifying bates system. Other than  
 3 this, no changes are necessary in the form or requirement for disclosures under Fed. R. Civ. P.  
 4 26(a).

## 5 **II. ESTIMATE OF TIME REQUIRED FOR DISCOVERY**

### 6 **A. DISCOVERY CUT-OFF DATE**

7  
 8 Discovery will take 180 days from June 19, 2024, which is the date Defendant filed its  
 9 Answer to Plaintiff's Complaint, the first responsive pleading. Accordingly, all discovery must be  
 10 completed no later than **December 16, 2024**. The parties may conduct discovery within the scope  
 11 of Fed. R. Civ. P. 26(b). Subject to the foregoing, discovery need not be limited or focused on  
 12 particular issues or conducted in phases.

### 13 **B. AMENDING THE PLEADINGS AND ADDING PARTIES**

14  
 15 Unless stated herein or ordered by the Court, the date for filing motions to amend the  
 16 pleadings or to add parties shall not be later than 90 days prior to the discovery cut-off date, and  
 17 therefore not later than **September 17, 2024**.

### 18 **C. FED. R. CIV. P. 26(a)(2) DISCLOSURES (EXPERTS)**

19 In accordance with Fed. R. Civ. P. 26(a)(2), disclosures identifying experts shall be made  
 20 60 days prior to the discovery cut-off date, and therefore not later than **October 17, 2024** and  
 21 disclosures of rebuttal experts shall be made 30 days after the initial disclosure of experts, and  
 22 therefore not later than **November 18, 2024** (Note: 30 days after to October 17, 2024 falls on a  
 23 Saturday, as such, the proposed date was moved to the following Monday).

### 24 **D. DISPOSITIVE MOTIONS**

25  
 26 The parties shall file dispositive motions 30 days after the discovery cut-off date, and  
 27 therefore not later than **January 15, 2025**.  
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1                   **E. PRETRIAL ORDER**

2           If no dispositive motions are filed, and unless otherwise ordered by this Court, the Joint  
3    Pretrial Order shall be filed 30 days after the date set for filing dispositive motions, and therefore  
4    not later than **February 14, 2025**. In the event dispositive motions are filed, the date for filing the  
5    Joint Pretrial Order shall be suspended until 30 days after the Court enters a ruling on the dispositive  
6    motions, or otherwise by further order of the Court. The disclosures required by Fed. R. Civ. P.  
7    26(a)(3), and any objections thereto, shall be included in the Joint Pretrial Order.  
8

9                   **F. ALTERNATIVE DISPUTE RESOLUTION**

10          The parties certify that they met and conferred about the possibility of using alternative  
11    dispute-resolution processes including mediation, arbitration, and if applicable, early neutral  
12    evaluation.  
13

14                   **G. ALTERNATIVE FORMS OF CASE DISPOSITION**

15          The parties certify that they considered consenting to trial by a magistrate judge and use of  
16    the Short Trial Program.

17                   **H. ELECTRONIC EVIDENCE**

18                   **1. Electronically Stored Information and Electronic Service of Discovery**

19          The parties have discussed the retention and production of electronic data. The parties  
20    consent to electronic service of any and all discovery documents. Said service shall be deemed  
21    completed by sending an email with the related discovery document(s) to all service addresses for  
22    counsel and counsel's staff on record with the court for the above-captioned matter at the time of  
23    service. The parties further agree, when serving by email, if any error or delayed delivery message  
24    is received by the sending party, that party shall promptly (within one business day of receipt of  
25    such message) notify the intended recipient(s) of the message and serve the pleading or other papers  
26    by other authorized means. This consent does not preclude counsel from serving discovery  
27  
28

documents by mail in accordance with Fed. R. Civ. 5(b), including service of electronic files copied to compact disc or similar storage media. Whether served by e-mail or by mail, three additional days shall be added to the timeline within which to respond, as provided for in Fed. R. Civ. P. 6(d). To the extent discovery requests are served on a Saturday, Sunday, or legal holiday, service will be deemed effective on the next day that is not a Saturday, Sunday, or legal holiday. The parties reserve the right to revisit this issue if a dispute or need arises.

## **2. Electronic Evidence Conference Certification**

The parties further intend to present evidence in electronic format to jurors for the purposes of jury deliberations. The parties discussed the presentation of evidence for juror deliberations, but did not reach any stipulations as to that method at this early stage.

## **III. EXTENSIONS OR MODIFICATIONS OF THE DISCOVERY PLAN AND SCHEDULING ORDER**

LR 26-3 governs modifications or extensions to this discovery plan and scheduling order.

## **IV. PROTECTION OF PRIVILEGED/TRIAL PREPARATION MATERIAL**

If a party discovers it has inadvertently disclosed privileged or trial preparation material, it agrees to notify the opposing party in writing within 30 days of the discovery that such document(s) have been disclosed, which written notification will set forth the basis for the claim that the items disclosed are privileged or trial preparation material. If the party receiving the disclosure agrees that the inadvertently-produced items are privileged or trial preparation material, it will return all such items to the producing party without the retention of any copies. If the receiving party disputes that the items are privileged or trial preparation materials, it will within 30 days of written notification of the inadvertent disclosure, present the disputed items inadvertently disclosed to the court under seal for a decision with respect thereto (without the retention of copies), including with such submission the producing party's written notification and any statement the receiving party

1 wishes to make in support of its position that the items are not privileged or trial preparation  
2 material. If the receiving party disclosed the inadvertently-produced privileged or trial preparation  
3 materials before being notified of the inadvertent disclosure, it will take reasonable steps to retrieve  
4 the materials pending resolution of the matter.

5 DATED this 30<sup>th</sup> day of August, 2024.

DATED this 30<sup>th</sup> day of August, 2024

6 TYSON & MENDES LLP

THE POWELL LAW FIRM

7  
8 /s/ Griffith H. Hayes

/s/ Traysen N. Turner

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18 IT IS SO ORDERED:

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20   
21 UNITED STATES DISTRICT JUDGE or  
22 UNITED STATES MAGISTRATE JUDGE

23 DATED: 9/4/2024  
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